

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
14-CA-120467Date Filed
January 13, 2014**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer McDonald's		b. Tel. No. 816-241-0515
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 5347 Independence Ave. Kansas City, MO 64124	e. Employer Representative	g. e-Mail
		h. Number of workers employed 70
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1)(subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On dates within the last six months the above-named employer has unlawfully interfered with, restrained and coerced employees in the exercise of their right under the Act by managers questioning workers' who participated in a lawful work stoppage about their protected activity and by discriminatorily prohibiting workers' from speaking with union organizers.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Workers Organizing Committee-Kansas City**4a. Address (Street and number, city, state, and ZIP code)**3800 Troost Ave.
Kansas City, Missouri 64109

4b. Tel. No. (816) 585-7866

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) N/A

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Fred Wickham, Attorney for WOC-KC

(Print/type name and title or office, if any)

Tel. No. 816-753-8751

Office, if any, Cell No.
816-838-8401

Fax No. 816-373-9540

e-Mail
fred@wickham-wood.com

Address 4317 S. River Blvd., Independence, MO 64055

01/13/2014
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

January 14, 2014

McDonald's
5347 Independence Ave
Kansas City, MO 64124

Re: McDonald's
Case 14-CA-120467

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney MICHAEL E. WERNER (Michael.werner@nlrb.gov), whose telephone number is (913)967-3013.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

January 14, 2014

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

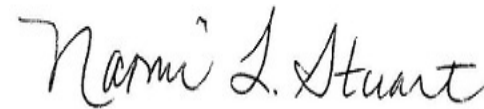
Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL L. HUBBEL
Regional Director

By:


NAOMI STUART
Officer in Charge

DLH:kec
Enclosures

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's

CASE NUMBER

14-CA-120467

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S

Charged Party

and

**WORKERS' ORGANIZING COMMITTEE,
KANSAS CITY**

Charging Party

Case 14-CA-120467

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 14, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

McDonald's
5347 Independence Ave
Kansas City, MO 64124

January 14, 2014

Date

Karen Clemoens, Designated Agent of NLRB

Name

/s/ Karen Clemoens

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

January 14, 2014

Workers' Organizing Committee, Kansas City
3800 Troost Ave
Kansas City, MO 64109

Re: McDonald's
Case 14-CA-120467

Dear Sir or Madam:

The charge that you filed in this case on January 13, 2014 has been docketed as case number 14-CA-120467. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney MICHAEL E. WERNER (Michael.werner@nlrb.gov), whose telephone number is (913)967-3013. If the Board agent is not available,

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing)

January 14, 2014


through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL L. HUBBEL
Regional Director

By: 
NAOMI STUART
Officer in Charge

DLH:kec
Enclosures

cc: FRED WICKHAM, Attorney
Wickham & Wood, LLC
4317 S River Blvd
Independence, MO 64055-4586



Solicitor Notification

Please do not speak with any solicitor that may approach you either inside or outside the building. Notify the store manager immediately if there is a solicitor or any other person on the premises trying to gain information about our employees. We respect our employee's privacy and it is important that you do not share any private information with other people. Examples of private information include name, phone number, email address, work schedule, number of hours worked, wages, etc.

Delivered by Hand

McDonalds
5347 Independence Ave
Kansas City, MO 64124

Dear Store Manager:

Today, we, the employees whose signatures and names appear below, will not be working. We are participating in a strike. This letter is our strike notice. We are walking out in support of better wages, benefits, and working conditions; and, to protest this Company's interference with protected workplace rights and attempts to silence employees who have spoken out on things like low take home pay, unfair treatment, and unpredictable hours. We will not be silenced.

Our strike will begin on (b) (6), (b) (7) 2013 at 12:00 a.m. Our strike will end on (b) (6), (b) (7) 2013 at 12:00 a.m.

This letter also constitutes our unconditional offer to return to our jobs from our strike beginning our next scheduled shifts after the conclusion of the strike, or if the Company has not already posted the schedule beginning our next normal shifts after the conclusion of the strike. Please call us if there are any changes to the schedule.

It is a violation of federal labor law for the Company to retaliate against us for engaging in this activity. Any adverse action taken by the Company for not working during the strike would constitute another unfair labor practice. This includes any cut in hours, refusing to schedule us for work, or unwanted changes in schedules. It is also unlawful to permanently replace unfair labor practice strikers.

We believe in a better Company. We demand an end to the Company's efforts to silence employees, and demand better wages, benefits, and working conditions.

Sincerely,

Employee Signature:

Employee Name Printed:

(b) (6), (b) (7)(C)

From: [Wade-Wilhoit, Susan A.](#)
To: [Leach, David E.](#); [Dunham, Geoffrey](#)
Cc: [Tursell, Beth](#)
Subject: McDonald"s, 14-CA-120467<2>
Date: Monday, January 13, 2014 5:07:00 PM
Attachments: [CHG.1-972177930.Signed Charge Rcvd 20140113.pdf](#)
[image001.jpg](#)

The attached charge against McDonald's was filed today in Subregion 17 and assigned to FA Werner.

Thank you,

Susan WW



Susan A. Wade-Wilhoit

Supervisory Field Attorney
NLRB, Subregion 17
8600 Farley Street, Suite 100
Overland Park, Kansas 66212
913.967.3014 - Direct dial
913.967.3010 - Fax
susan.wade-wilhoit@nlrb.gov

From: [Stuart, Naomi L.](#)
To: [Wade-Wilhoit, Susan A.](#); [Hubbel, Daniel L.](#); [Werner, Michael E.](#); [Taves, Mary G.](#)
Subject: RE: Request to Review Decision: McDonald's; 14-CA-120467
Date: Tuesday, March 25, 2014 12:48:51 PM

(b) (5)

Thanks,
Naomi

From: Wade-Wilhoit, Susan A.
Sent: Tuesday, March 25, 2014 11:15 AM
To: Hubbel, Daniel L.; Stuart, Naomi L.; Werner, Michael E.; Taves, Mary G.
Subject: FW: Request to Review Decision: McDonald's; 14-CA-120467

From: Dunham, Geoffrey
Sent: Tuesday, March 25, 2014 11:12 AM
To: Wade-Wilhoit, Susan A.
Cc: Leach, David E.
Subject: FW: Request to Review Decision: McDonald's; 14-CA-120467

Susan, Region 14 is authorized to proceed with processing the allegations for dismissal. (b) (5)

(b) (5)
Thanks, Geoff

From: Kearney, Barry J.
Sent: Tuesday, March 25, 2014 11:51 AM
To: Fernbach, Karen P.; Sophir, Jayme
Cc: Leach, David E.; Dunham, Geoffrey
Subject: RE: Request to Review Decision: McDonald's; 14-CA-120467

Sorry (b) (5)

From: Fernbach, Karen P.
Sent: Tuesday, March 25, 2014 10:29 AM
To: Kearney, Barry J.; Sophir, Jayme
Cc: Leach, David E.; Dunham, Geoffrey
Subject: RE: Request to Review Decision: McDonald's; 14-CA-120467

I haven't heard back from you on this case (b) (5)

Thanks,
Karen

From: Fernbach, Karen P.

Sent: Monday, March 17, 2014 11:06 AM
To: Kearney, Barry J.
Cc: Leach, David E.; Dunham, Geoffrey
Subject: FW: Request to Review Decision: McDonald's; 14-CA-120467

I agree with the recommendations (b) (5)

From: Dunham, Geoffrey
Sent: Monday, March 17, 2014 10:44 AM
To: Fernbach, Karen P.
Cc: Leach, David E.
Subject: Request to Review Decision: McDonald's; 14-CA-120467

Attached is FIR and RD comments in Region 14's McDonalds case. (b) (5)

At present, the charge alleges:

On dates within the last six months the above-named employer has unlawfully interfered with, restrained and coerced employees in the exercise of their right under the Act by managers questioning workers' who participated in a lawful work stoppage about their protected activity and by discriminatorily prohibiting workers from speaking with union organizers

Recommend (b) (5)

From: Wade-Wilhoit, Susan A.
Sent: Tuesday, March 04, 2014 11:02 AM
To: Tursell, Beth; Leach, David E.; Dunham, Geoffrey
Cc: Hubbel, Daniel L; Taves, Mary G.; Stuart, Naomi L.; Werner, Michael E.
Subject: McDonald's; 14-CA-120467

Please see the attached determination in McDonald's, Case 14-CA-120467. The Subregion will await your guidance.

<FIR.14-CA-120467.FIR - Agenda Outline.docx>

From: [Werner, Michael E.](#)
To: ["Fred Wickham"](#)
Cc: [Wade-Wilhoit, Susan A.](#)
Subject: FW: McDonald's Case 14-CA-120467
Date: Wednesday, March 26, 2014 5:56:28 PM
Attachments: [CHG.14-CA-120467.Amended Charge Against Employer - CA case.docx](#)

Fred,

Confirming our conversation, I will be out of the office until April 2, 2014. In my absence, please contact Susan Wade-Wilhoit regarding this matter. I have copied her on this e-mail, and her telephone number is (913)967-3014. From our discussion, it is my understanding that the only potential issue with the amended charge is that it does not name McDonald's corporate office. If your client wishes to include McDonald's corporate as a joint/single employer, the Region will need to solicit a new charge instead of an amended charge because the charge was only served on the franchisee, and we did not seek McDonald's evidence or position, thus raising due process issues. If your client elects to file a new charge, please notify Susan that your client would like to withdraw the current charge, and then I can send you a new charge when I return on April 2. Thanks for your assistance in this matter.

Mike

From: Werner, Michael E.
Sent: Tuesday, March 25, 2014 2:04 PM
To: 'Fred Wickham'
Subject: McDonald's Case 14-CA-120467

Fred,

Following up my message from earlier, I was calling in reference to the above-captioned charge against McDonald's. I have prepared an amended charge to conform with the Regional determination and to include the franchisee as a named party. Practically speaking, the charge simply re-characterizes the interrogation allegation as prohibiting employees from speaking about the strike. If your client agrees with the Region's determination, please sign and date the amended charge and return it to me. The Regional Director would like to serve the amended charge by the end of the month if possible. You may fax the amended charge back to me at (913)967-3010.

If your client disagrees with the determination or if you have any questions, please give me a call.
Thanks.

Mike

Michael E. Werner
National Labor Relations Board
Subregion 17
8600 Farley, Suite 100

Overland Park, KS 66212

Phone: (913)967-3013

Fax: (913)967-3010

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
14-CA-120467	

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Essig @ Associates, Inc. d/b/a McDonald's		b. Tel. No. (816)241-0515
d. Address (street, city, state ZIP code) 5347 Independence Ave, Kansas City, MO 64124		c. Cell No.
		f. Fax No.
		g. e-Mail
e. Employer Representative <div style="background-color: black; color: white; text-align: center; padding: 5px;">(b) (6), (b) (7)(C)</div>		h. Dispute Location (City and State) Kansas City, MO
i. Type of Establishment (factory, nursing home, hotel) Restaurant	j. Principal Product or Service Fast Food	k. Number of workers at dispute location 70

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

About December 6, 2013, the Employer interfered with, restrained, and coerced its employees by prohibiting them from talking about a strike at its facility.

About January 8, 2014, the Employer interfered with, restrained, and coerced its employees by prohibiting them from speaking with union representatives.

Within the last six months, the Employer interfered with, restrained, and coerced its employees by maintaining a "Solicitor Notification" policy which prohibits employees from speaking with solicitors and engaging in other protected concerted activity.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)

Workers' Organizing Committee, Kansas City, affiliated with Project of St. Louis Organizing Committee

4a. Address (street and number, city, state, and ZIP code) 3800 Troost Ave, Kansas City, MO 64109		4b. Tel. No. (816)585-7866
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
816-753-8751

By:

Fred Wickham, Attorney for
WOC-KC

Office, if any, Cell No.
816-838-8401

(signature of representative or person making charge)

Print Name and Title

Fax No.
816-373-9540

Address: 4317 S. River Blvd, Independence,
MO 64055

Date:

e-Mail
fred@wickham-wood.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Wade-Wilhoit, Susan A.

From: Fred Wickham [fred@wickham-wood.com]
Sent: Friday, March 28, 2014 11:40 AM
To: Wade-Wilhoit, Susan A.; Werner, Michael E
Subject: McDonald's Case 14-CA-120467

NxGen: Uploaded

Ms. Wade-Wilhoit and Mr. Werner:

By this correspondence my client wishes to withdraw the current charge in Case 14-CA-120467 (McDonald's) Please let me know if you have any questions regarding this matter

Sincerely,

Fred Wickham

Wickham & Wood, LLC
4317 S. River Blvd.
Independence, MO 64055
Phone 816-753-8751
Fax: 816-373-9540

APPROVED: 3-28-14
(DATE)
Daniel Hubbel by rs
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD

Privileged and Confidential

NOTE The Missouri Bar Disciplinary Counsel requires all Missouri lawyers to notify all recipients of e-mail that (1) e-mail communication is not a secure method of communication, (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from sender to recipient (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passes through. I am communicating to you via e-mail because you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion please advise me at once. The information contained in the e-mail message/document is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential. If the reader of this message/document is not the intended recipient, you are hereby notified that you have received this message/document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited by law. If you have received this message/document in error, please notify us immediately via return e-mail and delete the original message/document or phone at (816) 753-8751.

From: "Werner, Michael E." <Michael.Werner@nrlrb.gov>
To: Fred Wickham <fred@wickham-wood.com>
Cc: "Wade-Wilhoit, Susan A." <Susan.Wade-Wilhoit@nrlrb.gov>
Sent: Wednesday, March 26, 2014 4:57 PM
Subject: FW: McDonald's Case 14-CA-120467

Fred,

Confirming our conversation. I will be out of the office until April 2, 2014. In my absence, please contact Susan Wade-Wilhoit regarding this matter. I have copied her on this e-mail, and her telephone number is (913)967-3014. From our discussion, it is my understanding that the only potential issue with the amended charge is that it does not name McDonald's corporate office. If your client wishes to include McDonald's corporate as a joint/single employer, the Region will need to solicit a new charge instead of an amended charge because the charge was only served on the franchisee, and we did not seek McDonald's evidence or position, thus raising

due process issues. If your client elects to file a new charge, please notify Susan that your client would like to withdraw the current charge, and then I can send you a new charge when I return on April 2. Thanks for your assistance in this matter.

Mike

From: Werner, Michael E.
Sent: Tuesday, March 25, 2014 2:04 PM
To: 'Fred Wickham'
Subject: McDonald's Case 14-CA-120467

Fred,

Following up my message from earlier, I was calling in reference to the above-captioned charge against McDonald's. I have prepared an amended charge to conform with the Regional determination and to include the franchisee as a named party. Practically speaking, the charge simply re-characterizes the interrogation allegation as prohibiting employees from speaking about the strike. If your client agrees with the Region's determination, please sign and date the amended charge and return it to me. The Regional Director would like to serve the amended charge by the end of the month if possible. You may fax the amended charge back to me at (913)967-3010.

If your client disagrees with the determination or if you have any questions, please give me a call. Thanks.

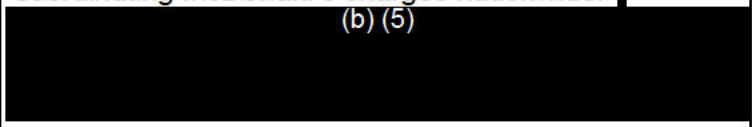
Mike

Michael E. Werner
National Labor Relations Board
Subregion 17
8600 Farley, Suite 100
Overland Park, KS 66212
Phone: (913)967-3013
Fax: (913)967-3010

Case Name: McDonald's
Case No. 14-CA-120467
Agent: Field Attorney MICHAEL E. WERNER

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
1/17	(b) (6), (b) (7)	Phone	(b) is an (b) (6), with Jones Day. (b) requested a copy of the charge
1/30	Jeff Place	Phone	Place left a message notifying me that he had entered a notice of appearance on behalf of McDonald's.
2/13	Place	Phone	Place called. He will not have his position statement ready by 2/14 and asked for an extension until next week. (b) (5)
2/21	Place	Phone	Place left a message Friday evening. He was snowed in this week out of town and was unable to get his position statement to his client this week. Place is leaving for Florida and will be gone next week, but plans to get his position statement in next week.
2/24	Wickham	Phone	Spoke with Wickham about Gates and McDonalds. (b) (5), (b) (6), (b) (7)(C)
3/25	Wickham	Phone	Called Wickham and left a message with his receptionist.
3/26	Wickham	Phone	Called Wickham and left a message with his receptionist
3/27/2014	Wickham	Phone	(By SWW) Wickham called and said that he was still discussing with the National Union what they wanted to

			do about alleging joint employer between Essig and Corporate McD. Wickham said that he thought he would probably sign the amended and then file a new charge against corporate. He said he would get back with me tomorrow.
3/28/2014	Wickham	Phone	(By SWW) Wickham called and said that it was the National Union's preference to withdraw the current charge in its entirety and file a new charge alleging the joint employer issue, which had not previously been raised. Wickham said that he would email me a withdrawal and fax in the new charge.
3/28/2014	Geoffrey Dunham SFA R2		(By SWW) Spoke with Dunham in R2 who is coordinating McDonald's charges nationwide. (b) (5) 



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

March 31, 2014

Jeffrey M. Place, Attorney
Littler, Mendelson, P.C.
1201 Walnut Street, Suite 1450
Kansas City, MO 64106-2272

Re: McDonald's
Case 14-CA-120467

Dear Mr. Place:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Daniel L. Hubbel
Regional Director

By:

/s/ Naomi L. Stuart

Naomi L. Stuart
Officer in Charge

NLS/mcn

cc: Essig & Associates, Inc. d/b/a McDonald's
5347 Independence Avenue
Kansas City, MO 64124

Fred Wickham, Attorney
Wickham & Wood, LLC
4317 South River Boulevard
Independence, MO 64055-4586

Workers' Organizing Committee, KC
3800 Troost Ave
Kansas City, MO 64109